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Ranchi, Monday, 23rd December, 2019

HOME, PRISON AND DISASTER MANAGEMENT DEPARTMENT

ORDER

17 December, 2019

No. 10/CBI-607/2019- 6709 -- Whereas altogether 9 Public Interest Litigation Petitions were moved to Hon'ble Patna High Court with the prayer to entrustment of these cases, popularly known as "Fodder Scam Cases of Bihar" to CBI. Hon'ble Patna High Court vide its order dated 11.03.1996 granted the relief prayed for and directed the Director, CBI to take up the investigation. Aggrieved by this order of Hon'ble Patna High Court the State Government of Bihar moved Civil Appeal No.5177 of 1996 and 5178-83 of 1996 in the Hon'ble Supreme Court. The Hon'ble Supreme Court vide its order dated 19.03.1996 upheld the order of Hon'ble Patna High Court. As per the direction of Hon'ble Supreme Court, CBI took up the investigation of 41 cases already registered by the State Police. Subsequently 23 cases were registered on the basis of SIRs and complaints received later which is inclusive of 13 DA Cases registered against the public servants involved in scam cases in compliance with the direction of The Hon'ble Monitoring Bench of Patna High Court.

2. And whereas consequent upon bifurcation of the state in the year 2000, 53 out of 60 charge sheeted cases were transferred to the 07 (seven) Special Courts of Ranchi for trial under the orders passed by the Hon'ble Supreme Court of India in the year 2001 and remaining 07 cases remained under trial in the Special Court at Patna.

3. And whereas out of 53 Cases under trial at Ranchi, 51 Cases have since been disposed of from trial and all ended in conviction and trial of remaining 02 Cases are at advance stage in two special courts at Ranchi.

4. And whereas investigation of Fodder Scam Cases disclosed that accused Dr. Krishan Mohan Prasad was instrumental in issuance of fake supply orders in the names of veterinary medicine manufacturing Companies against fabricated allotment letters for more than Rs.726 Crores to facilitate the alleged illegal withdrawals from different Districts Treasuries of erstwhile State of Bihar now Jharkhand during the period between 1981 and 1996.

5. And whereas details of cases wherein accused Dr. Krishan Mohan Prasad was convicted upon conclusion of trial are as under:

Dr. Krishan Mohan Prasad

Sl. No.	FIR No.	Date of Judgement	Details of sentence
1.	RC-20(A)/96	30.09.2013	RI for 05 years and fine of Rs.50 Lakh in default to further undergo RI for six months.
2.	RC-24(A)/96	07.12.2007	RI for 06 years and fine of Rs.1.35 Lakh in default to further undergo RI for six months.
3.	RC-26(A)/96	21.12.2006	RI for 06 years and fine of Rs.50,000/- in default to further undergo RI for 03 months.
4.	RC-31(A)/96	03.05.2012	RI for 07 years and fine of Rs.02 crore in default to further undergo RI for 1.5 years.
5.	RC-32(A)/96	31.05.2007	RI for 06 years and fine of Rs.1.55 Lakh in default to further undergo RI for six months.
6.	RC-43(A)/96	31.07.2007	RI for 06 years and fine of Rs.1.80 Lakh in default to further undergo RI for six months.
7.	RC-44(A)/96	15.12.2009	RI for 06 years and fine of Rs.15 Lakh in default to further undergo RI for six months.
8.	RC-46(A)/96	29.11.2010	RI for 06 years and fine of Rs.05 Lakh in default to further undergo RI for 01 year.
9.	RC-49(A)/96	28.01.2011	RI for 06 years and fine of Rs.02 crores in default to further undergo RI for 01 year.
10.	RC-50(A)/96	19.12.2007	RI for 06 years and fine of Rs.01 crore in default to further undergo RI for six months.
11.	RC-51(A)/96	14.07.2008	RI for 06 years and fine of Rs.1.25 crores in default to further undergo RI for 01 year.
12.	RC-52(A)/96	29.01.2011	RI for 06 years and fine of Rs.02 crores in default to further undergo RI for 01 year.
13.	RC-53(A)/96	30.06.2009	RI for 07 years and fine of Rs.38 Lakh in default to further undergo SI for 03 months.
14.	RC-54(A)/96	23.08.2014	RI for 05 years and fine of Rs.02 Lakh in default to further undergo SI for 01 year.
15.	RC-55(A)/96	05.05.2012	RI for 05 years and fine of Rs.02 Lakh in default to further undergo RI for six months.
16.	RC-56(A)/96	25.08.2009	RI for 06 years and fine of Rs.10 Lakh in default to further undergo RI for 02 year.
17.	RC-57(A)/96	24.08.2008	RI for 06 years and fine of Rs.05 Lakh in default to further undergo RI for 01 year.
18.	RC-66(A)/96	31.05.2007	RI for 05 years and fine of Rs. 3.35 Lakh in default to further undergo RI for 01 year.
19.	RC-2(A)/1998	20.03.2006	RI for 06 years and fine of Rs. 06 Lakh in default to further undergo SI for 01 year.
20.	RC-05(A)/2000	15.04.2006	RI for 06 years and fine of Rs.5.20 Lakh in default to further undergo SI for 09 months.
21.	RC-02(A)/2001	23.09.2006	RI for 06 years and fine of Rs. 02 Lakh in default to further undergo SI for 01 year.
22.	RC-03(A)/2001	07.08.2006	RI for 06 years and fine of Rs. 4.20 Lakh in default to further undergo SI for 01 year.
23.	RC-68(A)/96	24.01.2018	RI for 16 years and fine of Rs. 22 Lakh in default to further undergo RI for 02 years and 03 months.

6. And whereas in addition to the aforesaid Dr. Krishan Mohan Prasad is also facing trial in Fodder Scam Cases RC-47(A)/96 & RC-48(A)/96 in different Special Courts at Ranchi.

7. And whereas during investigation of these cases, cash, gold bonds and Fixed Deposits of some of the accused persons were discovered and seized during investigation of the case.

8. And whereas the details of Gold Bonds at RBI, New Delhi belonging to the family members of accused Dr. Krishan Mohan Prasad discovered during investigation are as under:-

Sl. No.	Name	Wt. of Gold Rendered	Provisional receipt No. and date
1	Rajesh Kumar Prasad	9825.5 Gms	RBND-2161 dated 12.05.93
2	Rajesh Kumar Prasad	19596.00 Gms	RBND-2161 dated 12.05.93
3	Kamlesh Kumar	31847.00 Gms	RBND-829 dated 14.05.93
4	Rashmi Kumari	15125.99 Gms	RBND-1286 dated 01.06.93
5	Mukesh Kumar	14753.29 Gms	RBND-2804 dated 08.06.93
6	Abhishek Kumar	6932.00 Gms	RBND-1287 dated 04.06.93
7	Abhishek Kumar	8253.00 Gms	RBND-2805 dated 08.06.93
Total:-106332.78 Gms			

9. And whereas upon conclusion of the trial of Fodder Scam Case RC-20(A)/96-Pat Ld. Special Judge-IV, Fodder Scam Cases Ranchi in the final order and judgement, inter-alia mentioned **"In this case huge seizure have been said to be made by the CBI from different accused persons. Some of the accused persons such as A-6 and others are not claiming over the cash said to be seized from their possession. Fixed deposit receipts in the name of A-3 and A-4 and others have been seized by CBI, these persons are not claiming over the amount. Gold Bonds from A-7 and others have been seized by the CBI and they are not claiming over the property. In the above such cases the CBI is directed to deposit the cash, maturity proceeds of the Fixed Deposits and the proceeds of the Gold Bonds in the State Treasury within 8 weeks of this order. Some of the accused persons are claiming over the gold bonds and cash etc., the CBI is directed to bring proceeding under Criminal Law Amendment Act for confiscation of such property"**.

10. And whereas following orders aforesaid CBI lodged a petition to call upon the authorities of State Government of Jharkhand to nominate the officer to receive the payment of the maturity proceeds of gold bonds as mentioned in the foregoing paragraph to appropriate the amount in the state exchequer of Jharkhand.

11. And whereas after adjudication on the petition aforesaid, Ld. Special Judge -IV, Fodder Scam Cases, Ranchi vide order dated 16.06.2017 asked CBI to file application under Section 3 of Criminal Law Amendment (Ordinance), 1944, so that opposite parties i.e. name lender family members would be issued notice to explain their claim on the properties sought to be appropriated in favour of the State Government of Jharkhand.

12. And whereas evidence brought on record confirming the commission of offences of criminal conspiracy, cheating, misappropriation and criminal misconduct, schedule offences under Criminal Law Amendments Ordinance, 1944 on the part of accused DR. Krishan Mohan Prasad have come to fore in view of several convictions and sentences/fines imposed on him.

13. And whereas the Govt. of Jharkhand having fully considered the material before it in regard to the allegations and circumstances of the cases believe that said persons have procured the properties detailed above by means of offences aforesaid.

14. Now, therefore, in exercise of powers conferred under Section 3 of Criminal Law Amendment Ordinance, 1944 (Ordinance 38 of 1944 the Govt. of Jharkhand hereby authorizes Shri Dasrath Murmoo, Dy. Superintendent of Police, Special Police Establishment, Economic Offences Branch of Central Bureau of Investigation, Ranchi to make an application before the Judicial Commissioner, Ranchi for attachment of properties detailed in the paragraphs above acquired by the accused persons in the names of his family members and relatives by commission of the aforesaid offences.

By the order of Governor of Jharkhand,

Sukhdev Singh,
Additional Chief Secretary.
